

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16254, of Gallaudet University, pursuant to 11 DCMR 3108.1 for a special exception under Section 210 to amend an approved campus plan and further processing under the amended campus plan for the construction of an addition to an existing field house in an R-4 Zone District located at 800 Florida Avenue, N.E. (Square 3591, Parcel 141/69).

HEARING DATE: September 3, 1997
DECISION DATE: September 3, 1997 (Bench Decision)

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The subject premises are located on the campus of Gallaudet University at 800 Florida Avenue, N.E. (Square 3591, Parcel 141/69) in an R-4 Zone District.

2. The application, which was filed on April 1, 1997, requests a special exception for modification and further processing of an approved campus plan to allow for the construction of an addition to the existing field house located on the southeastern portion of the campus near West Virginia Avenue.

3. The Gallaudet University Master Plan 1991-2000 (the "Campus Plan") was approved by the Board of Zoning Adjustment by bench decision and summary order in BZA Order No. 15671, issued on June 24, 1992. The approved Campus Plan is valid for a period of ten years from the date of the Order, until July 10, 2002.

4. The approved Campus Plan included a 40,000 square foot, 24-foot high addition to the field house which would include a swimming pool, an auxiliary gym, classrooms and office space.

5. The proposed addition to the field house consists of 12,590 square feet of gross floor area (plus 1,665 square feet of gross floor area in the mechanical space on the roof), with a maximum height of 26 feet or less, and includes a swimming pool, fitness area and a dance studio.

6. The applicant states that the reduced size of the proposed addition is sufficient to meet the future athletic and recreational needs of the University.

7. The footprint of the proposed addition has been oriented away from the residential neighborhood along West Virginia Avenue, N.E. and is more fully integrated with the other buildings of the campus.

8. By memorandum dated April 17, 1997, the Office of Zoning (OZ) referred the application to the Office of Planning (OP) requesting review, report and an impact assessment regarding the applicant's proposal.

9. By memorandum dated April 17, 1997, OZ referred the application to the Zoning Administrator (ZA) requesting review and comment regarding the applicant's proposal.

10. By memorandum dated April 17, 1997, OZ referred the application to the Department of Public Works (DPW) requesting review, report and an impact assessment regarding the applicant's proposal.

11. By memorandum dated April 17, 1997, OZ referred the application to Advisory Neighborhood Commission (ANC) 5B seeking comment on the application.

12. By memorandum dated August 14, 1997, OP recommended approval of the application, stating that the reduced size of the addition and the reorientation of the addition towards campus away from the residential neighborhood across West Virginia Avenue, N.E. will not cause objectionable conditions to neighboring properties.

13. Neither the Zoning Administrator nor the Department of Public Works submitted a response to the Office of Zoning's request for information.

14. Advisory Neighborhood Commission (ANC) 5B submitted a letter dated August 8, 1997 expressing its support for the application.

16. The Gallaudet Community Relations Council submitted a letter dated August 1, 1997 expressing its support for the application.

FINDINGS OF FACT:

1. Based on the evidence of record, the Board finds the following:

- 1) Gallaudet University is eligible to apply for a special exception under Section 210 of the Zoning Regulations;
- 2) The proposed addition will not create objectionable conditions to neighboring properties;

- 3) The proposed addition will not cause the total FAR of the campus to exceed the 1.8 FAR limitation for a university in an R-4 Zone District;
- 4) Gallaudet University's Campus Plan was approved by the Board of Zoning Adjustment in BZA Order No. 15671 and is valid until July 10, 2002; and
- 5) No interim use of land or buildings is being requested in this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the evidence of record the Board concludes that the applicant is seeking a special exception to amend an approved campus plan and further processing of the amended plan to construct an addition to the existing field house. The Board concludes that the applicant has complied with the requirements of 11 DCMR 210.

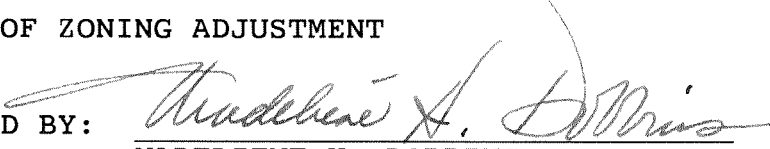
The Board is of the opinion that the proposed addition is not likely to cause objectionable conditions to the surrounding properties due to its smaller scale and orientation towards the rest of the campus, away from the residential neighborhood along West Virginia Avenue, N.E. Accordingly, it is hereby ORDERED that the application is GRANTED, and the PROPOSED ORDER is ADOPTED..

VOTE: 4-0 (Laura M. Richards, Betty King, Sheila Cross Reid, and Susan Morgan Hinton to grant and adopt the proposed order).

THIS ORDER WAS ADOPTED BY THE BOARD OF ZONING ADJUSTMENT AT ITS PUBLIC HEARING OF SEPTEMBER 3, 1997.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: SEP 15 1997

PURSUANT TO D.C. CODE SECTION 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANTS ARE REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. NOTHING IN THIS ORDER SHALL BE UNDERSTOOD TO REQUIRE THE ZONING REGULATIONS DIVISION OF DCRA TO APPROVE PERMITS IF THE APPLICANTS FAIL TO COMPLY WITH ANY PROVISION OF D.C. LAW 2-38 AS AMENDED.

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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16254/TWR/LJP

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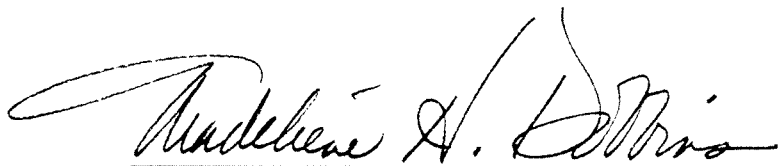


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As Director of the Board of Zoning Adjustment, I certify and attest that on SEP 15 1997 a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Christopher H. Collins, Esquire
Wilkes, Artis, Hedrick and Lane
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

George A. Boyd, Chairperson
Advisory Neighborhood Commission 5B
1355-57 New York Avenue, N.E.
Washington, D.C. 20002


MADELIENE H. DOBBINS
Director

DATE: SEP 15 1997